



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NAKATA, Yoshihiro et al.**

Group Art Unit: 1771

Serial No.: 10/807,174

Examiner: **Hai VO**

Filed: **March 24, 2004**

P.T.O. Confirmation No.: 4205

For. SILICON-BASED COMPOSITION, LOW DIELECTRIC CONSTANT FILM, SEMICONDUCTOR DEVICE, AND METHOD FOR PRODUCING LOW DIELECTRIC CONSTANT FILM

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This declaration is submitted under 37 CFR 1.132 and in accordance with MPEP 715.01(a).

We, Yoshihiro Nakata and Ei Yano, the two inventors of the present application, here declare that:

We are aware of the rejection of claims 1-7 under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) over Nakata et al. (U.S. Patent No. 6,613,834), Nakata et al. (U.S. Patent No. 6,958,525) or Nakata et al. (U.S. Patent Publ. No. 2006/022357) in the Office action dated June 4, 2007.

We are the same persons as Yoshihiro Nakata and Ei Yano, who are two of the inventors in each of the Nakata et al. (U.S. Patent No. 6,613,834), Nakata et al. (U.S. Patent No. 6,958,525) and Nakata et al. (U.S. Patent Publ. No. 2006/022357) references. That is, these references are joint patents (or published application) to Applicant and another.

In accordance with MPEP 715.01(a), we hereby declare that we conceived or invented the subject matter disclosed in each of the Nakata et al. (U.S. Patent No. 6,613,834), Nakata et al. (U.S.

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Patent No. 6,958,525) and Nakata et al. (U.S. Patent Publ. No. 2006/022357) references and relied on in the rejection.

Each of the undersigned declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Oct. 15, 2007

Date

Yoshihiro Nakata

Yoshihiro Nakata

Oct. 15, 2007

Date

Ei Yano

Ei Yano